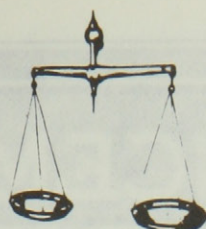


# Quid Novi



OCT 24 1988

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McGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

October 25, 1988  
le 25 octobre 1988

## The Centaurs

J.S. Marcus  
from *New Yorker*, June '85

The smartest man in our law-school class told me he wanted to be an actor. He is short and awkward, and he has a comical problem with his "R"s. Once, he grabbed my hand and said, "Sheila, I made a terrible mistake leaving the stage." I like the idea of private failure. There must be chief executive officers who harbor secret dreams of teaching high school English.

Inertia seems to be getting me through law school. I don't move much. I wait for a professor to intimidate me into the subject at hand: arson, divorce, whatever. I am particularly fascinated with the predicament of battered husbands. Not fascinated enough to do anything about it, but I don't mind reading the cases. My tax professor told me that I am not so different from my classmates. I suppose he meant the remark to be comforting.

If some man -say, X- runs a mink farm, and another, Y, is exploding dynamite next door, Y does not have to pay X in the event the mink eat their kittens from the shock of the explosion. It's the law.

I have a private life, but not a personal one. Mostly, I smoke Dunhill cigarettes, put un-whipped cream on things, and reread early Evelyn Waugh novels. In private, I'm English.

A man from Yale who wants to go into entertainment law offered to buy me dinner. We chatted about the various apartments he'd had

in New York, his stint in television, his Mid-western roots. When we got back to his apartment and undressed, he said, "Do it to me, sweetie." Now when we see each other, which is about twelve times a day, he acts as if we were once partners in some sort of class project.

If a railroad employee, X, thinks he is tripping over a bundle of newspapers, but is in fact tripping over a can of dynamite, and the explosion causes Y to drop a valuable family heirloom, could Y sue the railroad company for the cost of her grandmother's Hummel figurine? I don't know, because I wasn't paying attention that day.

At a mandatory law-school party, a lady law professor from another university asked me to show her which were the law students and which were the dates. She just assumed I

wasn't a date. After most of the guests had left, she broached the subject of alternative families. She said that lesbian motherhood was fascinating but doomed as an institution. I told her that I liked her Laura Ashley dress.

I have one friend. He's a homosexual and also likes Evelyn Waugh. Sometimes he even does imitations of the characters. He calls most people philistines, and often walks into Evidence and says, "I got positively no sleep last night." I usually believe him.

At a mandatory tea at the Dean's house, I met the Dean's wife. She's an illustrator of children's books and a gourmet cook. After a few preliminary remarks, she asked if I wanted her recipe for *crème brûlée*. I

cont'd on p.7

### Quotes of the Week

In the category of "He loves me, he loves me not...", we present thoughts on love and dominance.

First there was Masters and Johnson: now there's Simmonds and Mercer.  
On a corporation's vicarious liability:

"Little bits of naughtiness or a large aggregate of gestalt naughtiness doesn't make you a master." Prof. Simmonds

On the rational behind certain hearsay exceptions:

"People lie all the time. Probably the most insincere statement ever made is 'I love you'". Prof. Klinck





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# ANNOUNCEMENTS

## Notice Notice Notice

To all student graduating this year, please fill out the questionnaires that you can pick up in the student boxes at SAO. Return to the Grad Committee box in the LSA office as soon as possible. Thank-you.

## Avis Avis Avis

A tous les étudiants finissants, veuillez S.V.P. remplir le questionnaire que vous trouverez dans les boîtes à lettres des étudiants au SAO et le retourner au local de l'AED dans la boîte prévue à cet effet. Merci.

Hélène Tessier  
Comité des finissants.

\*\*\*\*

## Acapulco, Barbados, Cuba?

What are you doing for spring break? Your LSA President is going to organize a group holiday. If you think that you could tolerate a few days in the sun with a bunch of fellow law students at wholesale prices, please leave your name and number in my mailbox in the LSA office (a.s.a.p.). As soon as 20 people have indicated an interest (minimum necessary to qualify for a group rate), a meeting will be held to determine a possible destination.

Adios amigos,  
Norbert Haensel.

\*\*\*\*

## LSR/AFCS

La prochaine réunion des Avocats en faveur d'une conscience sociale aura lieu mercredi le 26 octobre à 17h00 au Common Room. Vin et fromages seront servis. Bienvenue à tous!

The next general meeting of Lawyers for Social Responsibility will be held at 5 p.m. on Wednesday October 26th in the Common Room. Wine and cheese will be served. Everybody is welcome!

## McGill Faculty of Law Yearbook

Last year we published the first ever Faculty of Law yearbook. It was a great success. This year we want to repeat the performance. To do that we need you!

Anyone interested in helping please come to our first meeting Wednesday, October 26, 1988 at 1:00 p.m. in room 102.

Tout le monde est bienvenu! Les présidents de classe sont tenus d'être présents.

\*\*\*\*

## Skit Nite Committee

The SNC is looking for a few (actually many) good people to help perform the numerous tasks necessary to make Skit Nite possible. This year, we are getting an early start so that everyone has a chance to be involved. In the next few days, we will be sending lists of the various positions available into all classes. Volunteer for as many positions as you like. Remember, it is all for a worthy cause - Montréal's homeless, so we especially need help in fundraising.

All of your questions and more will be answered at the first Skit Nite information meeting on Wednesday, October 26 at 12:00 in room 102.

## Comité Organisateur de "Skit Nite"

Le comité organisateur de "Skit Nite" (COSN) est à la recherche de plusieurs personnes de talent (et de mœurs honorables) pour remplir les multiples tâches nécessaires à la production du "Skit Nite". Son succès dépend de la volonté de ceux et celles qui veulent s'impliquer sans compter. Cette année, nous adoptons l'approche *tortuesque* (comme chez LaFontaine): nous commençons à organiser tout de suite pour que tous puissent mettre la main à la pâte. Dans les prochains jours nous enverrons à toutes les classes une liste des postes à

comblés. N'hésitez pas, car c'est pour une bonne cause: les sans-abri de Montréal. Venez avec toutes vos questions et nous vous fournirons les réponses le mercredi 26 octobre à midi au local 102.

P.S. Cette année, la mode est au bilinguisme. Alors, vous tous francophones et francophiles, à bord!

Lisa Balaban  
Benjy Glustein  
Brian Shiller

\*\*\*\*

## Bar/Bri - New York Bar Review Program

Quebec, Ontario and British Columbia define only the limits of your imagination, not the possibilities available to you as a law school graduate. Alternatives do exist outside of Canada, and New York is one of the more attractive of these. Bar/Bri offers the most extensive of all the bar preparatory courses in New York, as well as offering preparatory courses for bar exams in most other states.

Being a member of the New York Bar also has attractive advantages for the student who is not necessarily interested in practicing law, either in Canada or in the States. If you are considering working abroad, being a member of the New York Bar carries considerable weight with overseas companies.

All those interested in either writing the New York Bar, or simply in obtaining more information, are asked to contact Joani Tannenbaum at 989-1529 for details.

**\*\*\*REMINDER: If you register for the Bar/Bri Law Review Course before Friday, November 25th, you will save \$15 U.S. off the regular price of the course.**



# "The Accused": The State v. Half Their Own

Allison Turner, B.C.L. I

*In the United States, where the movie "The Accused" is set, a rape is reported every six minutes. One out of every four rapes reported involves two or more attackers.*

I do not think that it is possible to imagine a violation of human right more violent, more demeaning, more abhorrent, degrading, humiliating and, worse yet, more incriminating for the victim than rape. It is sad, too, that social awareness is not even at the point where we care enough about this horrifying issue to make the necessary amendments to our legal system.

Rape is something that only the victim is truly capable of understanding. Those of use who hear of it and profess to rationally discuss it can only "imagine" at best. Jodie Foster should no doubt be universally commended for her haunting portrayal of rape victim, Sarah Tobias. Foster's powerful performance gave the audience profound insight as to what a rape victim must endure throughout and following the traumatic event. On a more affirmative note, her spunk and brute honesty are a refreshing dose of optimism, while the commitment of her attorney (played by Kelly McGillis), a commitment to do what is in her client's "best interest", is a slap of reality.

Unlike all other crimes, the offense of rape carries with it a strong odor of skepticism. Skepticism of the *victim*, not the accused. After charges were laid, it was Sarah Tobian's character that was put into question. After it was settled that she indeed had a *questionable* character, the result was that the rape trial never came to pass. Until this point, the characters of the three *accused* had never even been mentioned.

When a second case (for a separate but relevant crime with three new accused) comes to

trial, Sarah Tobias takes the stand as a witness for the prosecution and gives her account of the story with the shocking sincerity that only she is able to express.

Still, the victim is questioned: did she engage in any form of activity that might have *provoked* the ensuing events? In other words was she a *bad girl*? Patronization has its place elsewhere than in the courtroom. Why is the victim's behavior even at issue? Does the neighbour who minds his own business but forgets to lock his front door one night, provoke the robbery? The most that will be said is that his chances of being robbed were increased. This doesn't change the fact that he was robbed. With this in mind, is any non-violent provocative behavior (on the part of the victim) a defense for the accused? I should think not. What is indeed at issue is whether or not the offense took place, and not *why* it might have taken place.

I am not saying that the law should accept

the victim's testimony without subjecting it to scrutiny. I am saying that we must re-evaluate the legitimacy of the defense's line of questioning and the extent to which we allow open speculation. The victim's appearance and behavior are irrelevant factors to the issue. Therefore, they should be considered as inadmissible evidence. Such irrational and immature male-oriented inquiries should be left to the tabloids. Presently, (in many cases), we presume a woman's guilt before the trial even begins. We don't even assume her rapist's guilt until it has been proven beyond a reasonable doubt.

Why must a woman prove her innocence before there is a "valid" trial for the accused? Is it criminal for a woman to flirt, dance, enjoy herself? Until these forms of behavior become indictable offences, they are *innocent acts*. If they were ever to become forms of criminal behavior, they would still be irrelevant to the main issue because they in no way *threaten* the accused.

That's the point, and thank you Jodie and Kelly for making it.

## Chile - A Distant View

Isabel Carney-Simon, B.C.L. II

I often wondered whether I have lived the past 15 years in exile. My last memories of Chile are vivid but fragmented. Machine gun fire, good-byes to family and friends. A precocious girl embracing her doll, regressing. The pain compounded because Chile is my second good-bye.

We had lived for seven years in Argentina, a life of privilege in a land where people are as rich and as diverse as the landscape. Political unrest had brought an end to my childhood. Schoolmates

kidnapped, people driven to the streets to welcome Peron. The worst was yet to come for Argentina. My father, a man blessed with both unbending ideals and an instinct for survival, sought refuge. Chile in the hands of Allende, Argentina in the hands of chaos. Our answer was the United States. As we lived out the last days in Buenos Aires, Chile falls into the hands of Pinochet. As our boxes are packed, it becomes clear that what mattered could not come with us. Mr friends, driven by the unmatched strength of childhood friendships, hire a school bus and follow us to the airport. Tears, embraces, faded images.

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# Calendar of Events

## October 1988

- Oct. 26    12h00    Public Interest Work  
                         Mr. Stephen Fineberg (Office des droits des détenus)  
                         Room 202, Chancellor Day Hall
- Oct. 27    3h00    Happy House Coffee Hour  
                         6h00    Common Room
- 6h00    Movie Night - Soirée cinéma  
                         Smokers' Lounge
- 9h00    Hallowe'en Party  
                         2h00    Common Room
- Oct. 28    12h00    Legal Theory Workshop  
                         "Recodifying Criminal Law:  
                         The Language of Codification"  
                         Prof. Dennis Klinck

## November 1988

- Nov. 2    12h00    " Opportunities for French-speaking common lawyers  
                         in the federal Department of Justice"  
                         Ms. Anne-Marie Trahan  
                         (sous-ministre associée, Ministère de la Justice, Ottawa)  
                         Room 203, Chancellor Day Hall
- Nov. 2    13h00    Annie Macdonal Langstaff Workshop  
                         Feminist Legal Theory: Clara Brett Martin  
                         Constance Dackhouse (Univ. of Western Ontario)
- Nov. 3    3h00 to  
                         6h00    Happy House Coffee Hour
- Nov. 4    12h00    "Feminism and Community"  
                         Donna Greschner (Saskatchewan)  
                         Room 202, Chancellor Day Hall
- Nov. 5    12h00-  
                         17h00    Squash Tournament/Tournoi de squash  
                         (Rockland Sports)

**Hear ye! Hear ye! Professors, clubs and committees of this faculty. If you are planning other events, please submit the dates and names of speakers so we can include them in the calendar of events.**



# "The Cool Monsoons" Rock the Common Room

by Colin Baxter BCL III

In a flash of electric wizardry, the Chancellor Day Hall common room was transformed into a rockin dance hall by the latest Canadian supergroup, The Cool Monsoons. On October 13th, the band played in a Thursday night coffeehouse that was sponsored by the McGill chapter of LSR - Lawyers for Social Responsibility. The proceeds from the event, which after all the bills have been paid should reach almost \$500, will be split between Amnesty International's relief project for flood-ravaged Bangladesh, and a project to educate Canadian high school students about weapons expenditures in the global economy. It was standing room only for most of the night, and the musical talent was very impressive.

Professor Martin Boodman started off the evening with a guitar and harmonica set, which included the R & B classic "Spoonful". He then joined the Monsoons for a rousing "Johnny Be Goode", before leaving to play another gig downtown. Both Frank Denton and Terry Pether gave artful solo acoustic sets, including some Simon and Garfunkel and Hot Tuna songs. Ann Martin's beautiful and moving renditions of some folk songs

from the Maritimes had the audience absolutely captivated. Diana Young and Rob Campbell, both BCL IV and both veteran coffeehouse performers, gave a short joint set, featuring tunes from Paul Simon's Graceland album. Dean Rod Macdonald very kindly tore himself away from family commitments to give a brief set on acoustic guitar, which featured a stunning "Goodnight Irene" that had everyone singing along. As the hour grew late, the unmistakable electric sound of "The Cool Monsoons" resurfaced, as did a mood of reckless abandon. The opening number, "You Can't Always Get What You Want" got everyone up on their feet. The place was rocking for a version of Lou Reed's "Walk on the Wild Side", Joe Jackson's "Is She Really Going Out With Him" and CSNY's hit "For What It's Worth". The end of the party came all too soon, but the prospects for a return engagement after Christmas are very good!

LSR would like to thank all the performers, bakers and volunteers who helped with every aspect of the evening, and made it such a big success. We enjoy organizing events for such a responsive and festive student body! Please keep your eyes peeled for publicity for our upcoming events.

Little Fella' Getting on Your Nerves??  
No Problem!

You'll really dig the Makin's  
"Mother Earth Baby Sitting Service"

Discount Rates, Long term or Permanent Arrangements,  
Beautiful Garden Facilities.

Believe us...  
"We'll love your kids to death"

Reference: Murray Mollard, Q.C.  
re: "The Murray Baby."

## Bulletin

McGill's Physical Plant Dept. is pleased to announce a surplus this year in its Law Library maintenance fund. Mr. Greasefan reported that huge savings have been realized by *not* venting clean, fresh air into the library's four floors. Additional savings have been made by not heating the sixth floor. A portion of the money saved - \$4390- has been earmarked to fund biology studies on asphyxiation and hypothermia and their combined affect on academic performance. Volunteers for the study are asked to dress lightly bring your books and meet on the sixth floor after classes on Thursday.

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# The Final Arbiter

## (Part II)

This week we present the second in a series of excerpts from *Judges* by Jack Batten. (Toronto: Macmillan of Canada, 1986) - Philip R. Pike

By the early 1920's, the young prime minister, Mackenzie King, was appalled that the court had fallen into such disrepute among many barristers and that its judgments weren't always commanding the necessary respect. In looking for a new chief justice who might invigorate the court, he departed from the informal tradition of naming the most senior judge on the court, thereby passing over the next man in line, Mr. Justice John Iddington, who was eighty-three years old. King offered the post to Eugene Lafleur, a much esteemed Montreal counsel. Lafleur declined. Indeed, he declined more than once, a state of affairs that constituted an ignominious commentary on the court's standing among Canadian lawyers. King turned by default to one of the court's associate justices, Frank Anglin, though he wasn't entirely convinced that Anglin was the man for the job.

"Anglin," King wrote in his diary, "is narrow, has not a pleasant manner, is very vain, but industriously steady and honest, a true liberal at heart."

In the end, King decided that steadiness, honesty and a true liberal heart overcame a narrow, unpleasant, vain manner and elevated Anglin to the chief justice's chair. But the whole unfortunate sequence of events spread gloom among the court's supporters.

Still, against great odds, and despite attacks from the outside and turmoil on the inside, the Supreme Court was gradually managing to shape a body of law that it could call its own. The court continued to labour in the shadow of the Privy Council in England,

since it was required to follow English precedents in case law and since Canada's lawyers could always appeal Supreme Court decisions to the Council. What's more, the overwhelming majority of the court's cases were concerned with citizens' quarrels over matters of contract and property, and these cases were not exactly the stuff of which sweeping legal history is made. Nevertheless, the court went diligently about the business of build-

ing an important store of private law that would guide the lower courts of the country. It proceeded by steady empirical methods, basing its judgments on legal precedent and on basic institution of government rather than on such flashier concepts as "equality before the law" and "due process", which the free-wheeling American Supreme Court used in arriving at its much more activist decisions. In a sense, the U.S. court was another problem for the Canadian Supreme Court, since it cast a dazzling light that blinded most observers to the more modest accomplishments of the court in Ottawa.

It was Lyman Poore Duff who took much of the lead in upgrading the court in quality and

cont'd on p.9

### Editorial

### Un peuple sans histoire?

Lors de la remise de son rapport (qui devait mener à la proclamation de l'Acte d'Union) à la Couronne britannique Lord Durham avait dit du peuple canadien-français qu'il était sans histoire. Pourra-t-on dire de même des étudiants francophones de McGill lorsque dans quelques années on lira les éditions du *Quid Novi*?

Présents à 22 ou 23% dans cette faculté, les francophones sont-ils trop timides pour voir leur nom paraître au bas d'une page de notre hebdomadaire? Auraient-ils peur de la page blanche? Seul le premier mot est difficile alors soyez les dignes descendants de Molière et faites savourer à nos confrères anglophones les beautés de la langue de chez-nous. Peu importe votre champ d'intérêt, tous les sujets qui vous intéressent risquent d'intéresser les autres étudiants alors amenez-nous vos articles le mercredi midi ou laissez-les dans la boîte du *Quid* au bureau de l'AED.

### Chile

### cont'd from p. 3

The flight from Buenos Aires to Santiago is only one hour, but it seems endless as the pain grows as powerful as the majestic sight of the Andes below. We land, and the motherland is already being subjected to the humiliations of military rule. Uniforms, machine guns, warning of curfew everywhere. I search for memories of the last moments with my grandmother, but only the terror of the night surfaces. The park where we had walked hand in hand on Sundays had surrendered to civil war at night.

Chile says no to Pinochet but I am no longer in exile, a new life, new family and friends. Too many years have passed. My ties to the past are now Neruda, Garcia Marquez and Isabel Allende. The elections speak to me only as a reminder of a nightmare I had at thirteen. Too late for me but hopefully not too late for Chile.



## The Centaurs cont'd from p.1

suppose she thought I was different from the other law students.

The editor of the law review lives across the street. She used to be a nun, but now she wears hiking boots and smokes mentholated cigarettes. After she left the convent and before she entered law school, she worked at the men's cologne counter of a large department store. Sometimes she has dinner parties and drinks a lot of Scotch. I guess another "terrible beauty is born." But how and when? Did she just wake up one morning and head for the nearest men's cologne counter? Perhaps it happened gradually (she's about forty-five) - a rosary in one hand, a Budweiser in the other; half saint, half goat.

People in law school, like people in general, try to be pleasant, and like people in general they often fail. Law students, I have noticed, tend to eat three-quarters of a sandwich and then wrap the remainder in foil, right there out in the open. One law student who is handicapped asks people to buy him hot chocolate around lunchtime; his wheelchair can't get near the vending machines. The

other law students, busy wrapping, usually don't hear him.

My Jurisprudence professor decided to hold class in his apartment so it could turn into a party. He had a copy of *Soviet Life* in the bathroom and talked about how much money he'd be making if he weren't a law professor. He lives with one of his former students. She's a judge and wears the same clothes as he does: boots, bluejeans, blazers. They are both, as fate would have it, from the same Chicago suburb. She came up to me with a plate full of cucumbers and smiled. I wanted to tell her that while insanity may be a defense for homicide, it is not a defense for a plate full of cucumbers; she always has a ravaged, insane look on her face.

As a child, I wanted to be an actress. More recently I've toyed with the idea of becoming a chief executive officer.

Each year, we eagerly await the Malpractice party and the White-Collar Crime party. The Malpractice party comes in October and is made up of law student and medical students. The White-Collar Crime party comes in February and is made up of law student and business students. One wonders: Left to their own devices, do the medical student and

business students meet on their own? Is there such an animal as the Hospital Administrators' party?

Soon we will be reading about a woman who signed up for thirty thousand dollars worth of dance lessons. I'm not sure if she was hit by a car on the way to her first lesson and wanted all her money back, or if she never learned to dance and blew up the studio with dynamite. Perhaps she was black, or a man, or handicapped, and they gave her inferior lessons. I just don't know.

In law school, you can feel boredom go from the benign to the malignant. You can see people run around with a quarter of a tuna-salad sandwich in their briefcase and argue about mini-farms. You can, with a little patience and finesse, get yourself invited to a party where the food and liquor are free.

Law students, unlike other students, tend to have umbrellas. I feel even more English when it rains, and often say things like "Excuse me, I have to go to the loo."

Some of the more interesting stereotyped characteristics of law students: unshaven,

cont'd on p.9

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### Upcoming Social Events :

**Thurs , Oct. 27 - Happy House Coffee Hour**  
Common Room 15h - 18h30

**Thurs , Oct. 27 - HALLOWE'EN PARTY**  
Common Room 21h - 2h  
(Admission : \$ 2 if not wearing costume)

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# McGill Quarter Century Club

by Judy Knight, B.C.L II

From our vantage point as law students on the hill, we may be out of touch with McGill University. The sense of history, tradition and continuity which McGill has always enjoyed unfolds daily in many ways throughout the campus. One such manifestation was the annual reception of the Quarter Century Club.

In quiet existence since the 1960's, the Quarter Century Club honours academic and non-academic staff who have been with McGill for twenty-five years. Three professors of the Faculty of Law are members and were invited, along with their Dean, to attend the Redpath Hall reception on Tuesday, October 11.

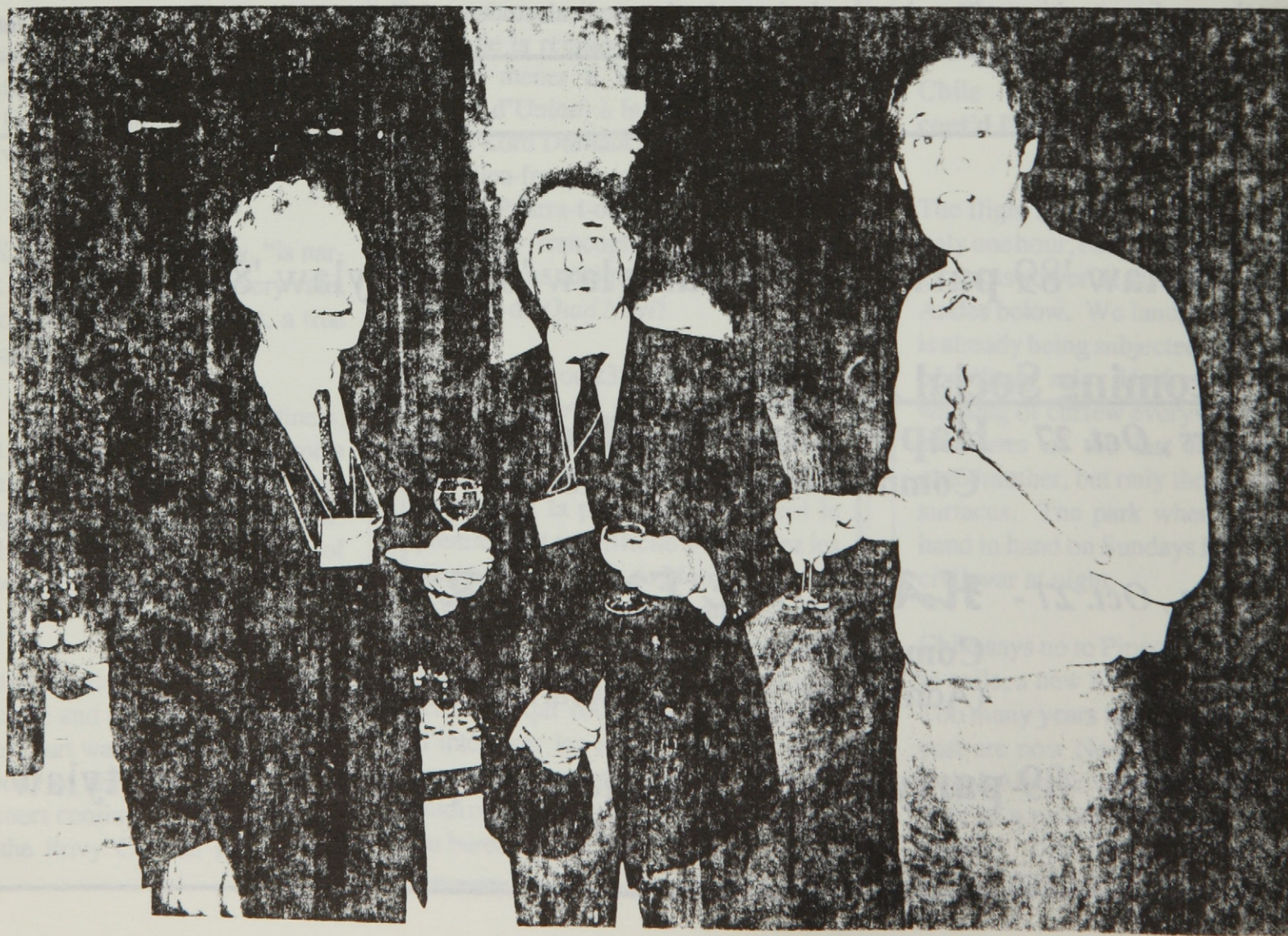
Principal David L. Johnston addressed the distinguished gathering. He spoke of the depth and breadth of their contributions to McGill and expressed the University's gratitude for their commitment and quality of service. Each new member of the Club is given a birch captain's chair embossed with the McGill's crest.

Among this year's members is Professor Ivan A. Vasic, whose "association with McGill goes back to 1963 when (he) enrolled as a graduate student". After receiving an LL.M from McGill, a J.S.D. from Yale and after teaching at Yale, he returned to McGill in 1963. He has taught Public International Law, Air Law, Space Law and Environmental Law. He was Director of the Air and Space Law Institute from 1970-

1975.

Professor John W. Durnford is in his thirtieth year of teaching. "I have taught people who are now grandfathers." Professor Durnford has taught insurance, legal history, administrative law, special contracts, business associations and taxation.

Professor Paul-André Crépeau arrived at McGill "a month or two" before Professor Durnford. Presently the Director of the Québec research centre of Private and Comparative Law, Professor Crépeau was the force behind the Revision of the Québec Civil Code. He has taught Obligations, medical law and private international law, and was Director of the Institute of Comparative Law from 1975-1984.





## The Final Arbiter cont'd from p. 6

authority. He sat as a Supreme Court justice longer than any other man, from 1906 to 1944, the last eleven of those years in succession to Frank Anglin as chief justice. Duff was afflicted with personal problems that, taken altogether would overwhelm most men. He suffered from alcoholism, impotence, and a chronic inability to balance his bank account. He was perpetually in debt, even to the taxi company that ferried him around Ottawa. But no matter what indignities and ailments he laboured under off the bench, on the bench he possessed formidable strengths and resources.

Duff was quick, clever and blessed with a ferocious sense of industry. He was a student of the law. He loved it and knew how to apply it. He wrote with clarity and he wrote often, handing down decisions in every area of jurisprudence. He wasn't a man who took a broad and crusading view in his judgments. Rather, his interpretations of the law were strict. The law, he said in his decisions, must prevail, and if there was a clash between the law and a litigant's apparent rights, then the litigant could forget his apparent rights. Duff was a conservative in his judicial philosophy. There was nothing good or bad or surprising about such a stance. It was the norm. Virtually all Supreme Court justices of the court's first seventy-five years took a conservative approach in their application of the law, and Duff was no exception. In the field thought of today as civil rights, Duff differed not at all from his colleagues in holding that, for minority groups of citizens, such rights were almost non-existent under the laws that the court was asked to interpret. Thus, at various times over his thirty-seven and a half years on the Supreme Court, Duff upheld pieces of legislation that would be considered discriminatory in the 1980s. There was the Saskatchewan law that prohibited white women from being employed by Chinese men, the order-in-council that kept Japanese workers off crown lands in B.C., the Quebec law that authorized the forcible closing of any dwelling if the occupant had been convicted of operating a bawdy-house. Duff found there was nothing in his strict interpretation of the law that made any of these legislative acts improper exercises of authority by any bodies that

enacted them. And very few Canadians of Duff's day questioned the correctness of his decisions.

On the other hand, whenever Duff's analysis of earlier case law logically led him in a more liberal direction, he followed it. Most conspicuously, the Duff court was called on to deal with the Press Bill, one of a series of bizarre legislative acts passed in the 1930s by William Aberhart's Social Credit government in Alberta. The Press Bill required that the province's newspapers print only those stories about the Alberta government that a provincial board first approved. Duff showed the way in striking down the Bill on the ground that it, or another Social Credit

Act that it depended on, was beyond provincial powers. It was *ultra vires*. But he also slipped into his judgment a hint that "the capacity of the Province to restrict public discussion on public affairs must necessarily find some limitation by reference to the admitted fact that the parliamentary institutions of the Dominion necessarily pre-suppose for their effective working such public discussion." That judgment of Duff's, uncharacteristically convoluted language and all, didn't stray too far from his usual firm and commonsensical ways. But he managed to bring the Supreme Court for the first time to a reasonably strong civil liberties position, a glittering area of the law the court would revisit more forcefully in later years.

## Centaur cont'd from p. 7

impotent, dirty, overweight, devout, narrow-minded, humorless. Or if they're women: frigid, tall, overweight, giddy. If you've ever seen a law-school catalogue, you know there are very few pictures.

I could be wrong, of course. Perhaps the man from Yale said, "Do it to me, Mama," not "sweetie". This would make more sense, since I am taller than he is. But if I had to go through it all over again and he did say "sweetie" I would tell him never under any circumstances to use both an imperative and a diminutive in the same sentence - especially in bed.

The other day, I was on my way to class when the man from Yale came out of nowhere and said to me, "Where are you galloping off to?"

At law-school parties, man and women talk to each other as if there were no difference

between men and women. The law students and the dates act as if there were no difference between the law students and the dates. Of course, the dates don't understand all this talk about law, unless they happen to be judges. Sometimes the women talk about feminism, and sometimes the men talk about sports. But we eventually leave those topics to the extremists and drift off onto less sacred subjects. I have never heard Evelyn Waugh's name brought up at a law-school party - not even at the ex-nun's house. My homosexual friend has better things to do, and I usually don't open my mouth, even though I am a baseball fan.

Transformation, sublimations, things becoming other things. Yesterday, I had a Reuben potato - certainly the centaur of modern delicatessen food. Prodding the melted cheese for some trace of Russian dressing, I tried to recall if any of the law-school parties so far had been catered. I am becoming a lawyer.

## Join the Quid! Joignez -vous au Quid!

Diversity of ideas and styles is the salt of life. Why not add a bit of flavour to the Students' newspaper? Your input is always appreciated. Meetings are held weekly, on wednesdays at noon, in the L.S.A. office.

Nous avons besoin de nouveaux visages, de nouveaux styles. Tous sont bienvenus. Les reunions ont lieu tous les mercredis à midi, au bureau del' A.E.D.



# Sports Corner

## Le Coin des Sportifs

### Squash

Le tournoi de squash avec l'Université de Montréal aura lieu le samedi 5 novembre au Centre Sportif Rockland. Les frais d'inscription seront de 5\$ par joueur. Il reste encore quelques places et on a particulièrement besoin de deux filles. Veuillez communiquer avec Anthony Fata si vous voulez jouer.

The much talked about squash tournament with l'Université de Montréal is finally here. It will be held on Saturday, November 5 at the Rockland Sports Centre. The cost will be \$5 per player. There are still a few places available. In particular we need two female players. If you would like to play, please contact Anthony Fata.

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### Law Games/Jeux-Ridiques

Some thirty people have already signed up for the Law Games. If you would like to go, please see your class president.

Déjà trente étudiants se sont inscrits pour les Jeux-Ridiques. Si vous désirez participer, veuillez communiquer avec votre président(e) de classe.

B.C.L. I: Michael Marcovitz  
LL.B. I: Robert Fabes  
B.C.L. II: Evelyn Jerassy  
LL.B. II: Irene Wolfe  
B.C.L. III: Catherine Rakush  
LL.B. III: James Doris  
B.C.L./LL.B. IV: Kevin Kyte

### Contest/Concours

We need a logo or mascot for the Law Games. Put your suggestions in the Athletic Coordinator's box. There will be a prize for the winning entry.

Nous avons besoin d'un logo ou d'une mascotte pour les Jeux-Ridiques. Veuillez soumettre vos suggestions dans la boîte du coordonnateur des sports. Oui, il y aura un prix pour la meilleure suggestion.

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### Movie Night/Soirée Cinéma

The Sports Committee will be hosting a movie night in the Smokers' Lounge on Thursday, October 27. The movie will be shown between the Happy House Coffee Hour (which ends at 6:00 p.m.) and the Hallowe'en Party (which begins at about 9:00 p.m.). The movie has yet to be chosen therefore suggestions will be appreciated. Beer, pizza and other snacks will be available.

Attention à tous les amateurs de cinéma! Le Comité des sports présentera un film dans le salon des fumeurs le jeudi 27 octobre. Le film commencera vers 6h00 donc entre le Happy House Coffee Hour et le Party d'Hallowe'en. Vos suggestions sur le choix du film seront appréciées. Bière, pizza, etc., disponibles.